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THE MANITOBA SCHOOL QUESTION.

IN April, 1895, this REVIEW published the words of Mr. John S. Ewart, Q.C., the enthusiastic and chivalrous counsel for the Manitoba Catholics in their struggle against the instinct and prejudice of a young "British Philistine" community.

Mr. Ewart was hoping then to see the grievances of his clients settled by their own provincial government, that so there might be no great public Canadian quarreling, and that the federal government would not have to pass a bill of relief.

But there *has* been a great quarrel, and there has been no thorough relief of grievances. For the moment there is a lull. Nor has this been violently disturbed by the decision from Rome, lately received by the Canadian bishops, and just now, early in January, made public. Though "something has been done to amend the law," the Holy Father says, yet "the law which has been enacted for the purpose of reparation is defective, imperfect, insufficient." And yet the Pope's words, as they counsel "moderation, meekness and brotherly charity" to Catholics, so they do not irritate others at the outset; nor can any fail, in their better selves, to hear the tone appealing for the gospel law in treating others, and expressing the spirit of Pope Leo XIII.'s own words elsewhere:

"The first law of history is to dread uttering falsehood ; the next, not to fear stating the truth ; lastly, that the historical writings should be open to no suspicion of partiality or of animosity."

Almighty God reminds His creatures once again what is the law of life under His full revelation. Every Catholic Christian must feel now even something more of the great responsibility that is laid on him not to speak or write except in the spirit of His law and His counsel.

Catholics were urged by Rome to avoid, in the interim, the very semblance of being contentious. And these latest words of the Church, while telling them what is of God, and what is of Cæsar, counsel a generous readiness to meet justice in any men, and help it forward wherever found.

The moment is fitting for placing clearly before our minds this school question, "assuredly one," as the encyclical says, "of the greatest importance and of exceptional gravity."

In these pages it is not necessary to tell of what interests are at stake in an education question, nor of how wandering thoughtful minds seem to be looking in the same direction as does the Church—with blinkers on, however, as it were, lest by any means they should be found to be seeing eye to eye with Rome. Still she must be glad, though saddened, too, even if not amused, noting their strange infatuation about the one guardian of the Christian family and school. And her mind is not least interested just now in these matters as they stir among English-speaking people or their fellow-subjects. American readers will spend some time well in looking once again at this school question in Manitoba.

And they will not be offended at information set down here as to the condition of Canada. Many of them naturally know little about that thinly populated country—too little, often, whether they be business men, patriots, or founders of true and wise relations between the American countries of the future.

Canada, *i.e.*, almost all the habitable country north of the United States—so we mean for practical purposes in our writing now—has yet a population of barely 5,000,000 ; the Province of Ontario (formerly Upper Canada) having over 2,000,000 ; the Province of Quebec (formerly Lower Canada), about 1,500,000.

For the whole of Canada the chief religious statistics (1891) are : Catholics, 2,000,000 ; 41 per cent. of whole. Methodists, 850,000 ; 17 per cent. of whole. Presbyterians, 750,000 ; 15 per cent. of whole. Episcopalians, 650,000 ; 13 per cent. of whole. Baptists, 300,000 ; 6 per cent. of whole.

And for national descent the 1871 Census gave : French, more

than 1,000,000; Irish, 850,000; English, 700,000; Scotch, 550,000.

There can read and write (1891): of the whole population, 3,176,667; in Manitoba, 106,250.

Manitoba is therefore above the general average in reading and writing.

For the population of Manitoba, these are the figures: 1870, 12,000 (2000 whites, 5000 Scotch or English half-breeds, 5000 French half-breeds); 1871, 25,228; 1881, 62,260; 1891, 152,506.

The chief religious statistics in 1891: Presbyterians, 30,000; Episcopalians, 25,000; Catholics, 20,000; and the number of enrolled pupils in the schools, 28,706.

Manitoba has been, since 1870, a province of this new Dominion of Canada, which came into existence by the British North America Act of 1867, the act confederating Ontario, Quebec, Nova Scotia and New Brunswick, and now known as the Canadian constitution.

It is a farming, wheat-growing country—"the prairie province"—very cold and very hot. At first it had been settled chiefly from French-speaking Catholic Quebec. In 1870, the Catholics were 50 per cent.; in 1890, about 15 per cent. This is the minority of whose troubles men have heard.

*Before 1870*, when Manitoba became a Canadian province, there were Catholic and Protestant schools.

*From 1871 to 1890* there were still separate schools, placed more regularly under Catholic and Protestant Boards of Education—something like those in Ontario and Quebec, where separate schools exist to-day.

*In 1890* separate schools were abolished in Manitoba.

*From 1890 to 1896* there were appeals and decisions this way and that as to (Catholic) minority rights, the two chief being (1) that the abolishing separate schools was legal, and (2) that an aggrieved minority had a right of appeal.

*June 23, 1896*, the present Liberal party, under Sir Wilfred Laurier—as he is, since Queen Victoria's Sixtieth Jubilee honor distribution—came into power, and made a "settlement" of the Manitoba school question, which the Catholic Archbishop of that province—Langevin, of St. Boniface—declared to be no settlement at all.

"I do refuse you for my judge, and here,  
Before you all, appeal unto the Pope,  
To bring my whole cause 'fore his holiness,  
And to be judged by him."

With "Rome, the nurse of judgment," it lay to decide for Catholics whether "the Laurier Settlement" is to be accepted, tolerated or rejected.

So much for a sketch of the facts. And now let us go over them in some detail, and be thus able to give a reason for the faith that is in us, taking note, as we pass, of some strange treatment given by the letter of the law to its spirit.

### I. *The Manitoba Act of 1870.*

This was passed by the Dominion of Canada Federal Parliament at Ottawa. By it, part of the Northwest Territory was made into the province of Manitoba. *The British North America Act of 1867* (providing that any province having separate schools before confederation shall have them for all time; also that any province not having them at the union, but conceding them at any time, shall concede them as a right which can never be taken away), *was made to apply to Manitoba*—except those parts of the act referring to other provinces specially; and except as the B. N. A. Act might be varied by the Manitoba Act.

*How did this affect education?*

The B. N. A. Act guarantees separate schools to those provinces that *by law* had separate schools at the time they entered the Dominion of Canada.

Hence Ontario (Upper Canada) and Quebec (Lower Canada) had guarantee of separate schools.

Hence New Brunswick, another entering province, had no guarantee. And the New Brunswick separate schools, existing *by custom or practice* only, were abolished.

[An "understanding," by which, in a few places, certain State schools have Catholic teachers, is all the Church in New Brunswick has kept. And for this compromise there is no protection by any existing law.]

The Manitoba Act had before it the law of Ontario and Quebec (protected by the B. N. A. Act) and the practice of New Brunswick (not thus protected); and *therefore* it enacted that no law should be passed by the Legislature of Manitoba which should "prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law *or practice* in the Province at the Union."

Those italicized words, *therefore*, and *by practice*, let all readers consider over again in their context, and bear in mind when reading what follows.

Now, if you are guaranteed separate schools, "by practice,"

does that imply that you are guaranteed exemption from paying for public or State schools? And the answer is that the 1871 Act legislators either did not consider that, or else that they did indeed consider it, but meant "to keep the word of promise to our ear, and break it to our hope."

For a plain man the meaning would probably be plain that it *did* so imply. Certainly, when the declarations of the legislators were read, with no word in them as to the legally established "separate-school parent" being bound to pay also as a "non-sectarian parent," and when is added the consensus of general public understanding as to implication, then the plain man would feel sure.

So much for the spirit of the law. But what of its letter? We shall see.

However, first, *des pièces justificatives* :

(a) "I think every man in the country understood the Manitoba Act of 1871 to mean that the minority, whether it was Catholic or Protestant, should enjoy the same privileges as the Catholic minority enjoys in Quebec. [The Privy Council did not appear to see the matter in that light. I have no doubt they came to an honest decision, but they went by the strict letter of the law.]" (Hon. G. W. Ross, Minister of Education for Ontario, December 19, 1895.)

(b) "By the Manitoba Act the provisions of the B. N. A. Act respecting laws passed for the protection of minorities in educational matters are made applicable to Manitoba. . . . Obviously, therefore, the separate school system in Manitoba is beyond the reach of the [Manitoba] Legislature or of the Dominion Parliament."

(The Late Sir John Macdonald [Conservative] Prime Minister of Canada, and a framer of the Manitoba Act. *Memoirs*, vol. ii., p. 248.)

(c) "We [when passing the Manitoba Act] certainly intended that the Catholics of Manitoba, or whatever denomination might be in a minority, should have the right to establish and maintain their own schools. You see, the words '*or practice*' were inserted in the Manitoba Act, so that the difficulty which arose in New Brunswick when separate schools actually existed, but were not recognized by the law, should not be repeated in Manitoba. [And thus the right of appeal to the Federal Parliament was given to make assurances doubly (*sic*) sure.]"

(Hon. W. MacDougall, 1892.)

(d) "Because it was doubtful whether the schools of Manitoba could be said to exist by law. . . . The clause was made to read, by law *or practice*, in order that the minority might be absolutely sure of protection. [We who were members of the Government at the time could see no reasonable objection to granting the same privileges in Manitoba that were given in Ontario and Quebec.]"

(The late Sir Leonard Tilley, Governor of New Brunswick. "The Sun," St. John, N. B., April 28 (?) 1896.)

But now, after this Act of 1871, and before 1890, there came immigrants,

"strange men, new faces, other minds";

and all was changed. The Catholics, as has been said, fell from 50 per cent. to 15 per cent. ; and so another "asylum of Papists



. . . . in a remote corner of the world" [Bancroft on Maryland] has found what it is to be ruled by a Protestant majority, to whom in the days of its weakness the Catholic majority gave coveted privileges and its equal rights.

It is easy to see beneath the baser "non-sectarian" surface. What is the use of gazing into that mingled flood of fanaticism and bad faith; whether it be driven along by Burke's "merciless policy of fear," or heard to keep uttering his "uniform language of tyranny—your liberty is incompatible with my personal safety"?

## II. *The Non-Sectarian Act of 1890.*

The men who passed this act, and especially Mr. Joseph Martin, had solemnly and publicly promised not to oppose the language and the institutions of the French Catholics of Manitoba. Mr. Fisher, a liberal member of that Legislature, gives us an account of this, and adds that in the actual circumstances, and considering that promise, he has always thought the establishment of the present school system and the abolition of the Catholic schools, in spite of the protests of the minority, to be a grave fault. Personally, he said, he had indeed made no promise, but he had felt himself bound by the promise, just as much as if he had made it himself. (Quoted from "La Presse," Montreal, April 13, 1895.)

For the solemn sworn declarations of witnesses to the promises as to French language and Catholic schools made by Mr. Greenway, the present destroyer of these, by law, in Manitoba, see Archbishop Taché's pamphlet of 1893, "A Page of the History of the Schools in Manitoba During Seventy-Five Years."

Various causes were given for passing the act—the inefficiency of the Catholic Schools, the desire for national unity, and so on.

At first it was proposed that the schools were to be absolutely secular. Then the Protestant majority, in pulpits and on platforms, protested, and Mr. Joseph Martin, maker of the act, yielded, while declaring that he thinks the "religious exercises" part of the act to be "*rank tyranny*" over Roman Catholics.

That men should be found to think that schools of human beings *could* be "neutral" is indeed strange. There may be such men—but perhaps they only think they are thinking. There are, of course, many who *say* they think it. But in Manitoba there was no deception.

By the Act the Manitoba Government took from the Catholics the school-buildings used by them, and an accumulated sum of \$14,000 (acknowledged by letter of government as an acquired

right of the Catholic schools), which sum was then placed in the general school fund.

Now, had the Provincial Legislature of Manitoba the right to pass this "non-sectarian" Act of 1890? Those who framed the 1870 Act establishing the province said no. So said the Canadian judges.

### III. Decisions of the Privy Council.

The Privy Council of England, as highest appeal court, said that the Manitoba Legislature *had* the right.

This, then, is the *first decision of the Privy Council*: viz., *The Act of 1890 is not "ultra vires."*

At the risk of wearying all readers, we so repeat.

The ground of the decision was: You have the same privileges as before; you can have separate schools; the only difference is, you must now pay, also, for other schools. As was said to the bourgeois gentilhomme, "giving = giving + paying." "He, a shopkeeper! a mere slander on a man who was a judge of cloth, and therefore liked to give it kindly to his friends—if they paid him."

And the *second decision* (January 29, 1895) of the Privy Council was: That the *minority in a province has the right of appeal to the Federal Parliament.*

What did the Privy Council here say?

That the Federal Parliament ("the Governor-General in Council") "has jurisdiction to make remedial orders as far only as the circumstances of each case may require" (Manitoba Act, 1871); "that this appeal is well founded"; but that the particular remedy need not be pointed out. It said:

"That it is not essential that the statutes repealed by the Act of 1890 should be re-enacted, or that the precise provisions of these statutes should be again made law. The system of education embodied in the Acts of 1890 no doubt commends itself to, and adequately supplies, the wants of the great majority of the inhabitants of the province. All legitimate ground of complaint would be removed if that system were supplemented by provisions which would remove the grievance upon which the appeal is founded, and were modified so far as might be necessary to give effect to those provisions."

Now, do readers thoroughly understand these two decisions? and will they forgive the sorrow upon sorrow of repetition?

By decision 1st, the "Non-Sectarian" Act is legal; Catholics may still have their own schools, but must pay for others.

By decision 2d, Catholics may appeal, and the Federal Government has a right to interfere.

*What is the result of these decisions?*

The first stands by the letter of the law. You thought the gift

a gift; you must pay for it, however. Nothing has been taken away; you still have it.

"Is that the law?" Does the law not mean that if I have as before, I do not also pay for what is got by others? And the answer comes: "I cannot find it; it is not in the bond."

To your masters, indeed, we, the Privy Council, say: "It is not so expressed," but, "it were well you do so much for charity."

*"Charité, charité chérie!"*

This, then, is the net result of the Privy Council's decisions:

(a) The letter of the law is against you; you have had no rights and no privileges taken away.

(b) You can appeal, we imply, to the principles of general justice, and to those who have jurisdiction to remedy the legitimate grievances we imply that you have—the grievance of your hard but fated lot.

The present writer has to say that he has come to his conclusions, expressed above, not without some patient and serious thought, not without considerable reluctance, and certainly not without some contempt for

"the ways of men so vain and melancholy."

However, the Church, rather than the Revolution, will be the last to give up singing:

*"S'il tombe, nos jeunes héros,  
L'Église en produit de nouveaux,  
Contre vous tout prêts à se battre."*

#### IV. *The Remedial Bill (1895-96).*

The decisions of the highest court having been given, the Federal government "advised" the provincial government to apply the suggested remedy. They answer made, "they would not."

The following are the terms of this Remedial order:

(a) The right to build, to maintain, equip, manage, conduct and support Roman Catholic schools in the manner provided for by the said statutes, which were repealed by the two Acts of 1890 aforesaid.

(b) The right to share proportionately in any grant made out of the public funds for the purpose of education.

(c) The right of exemption of such Roman Catholic schools from all payment or contribution to the support of any other schools.

The Conservative Government then itself brought in a Remedial Bill, which died (1896) with the Parliament in which it was discussed and obstructed. In this bill there was no appropriation of money for the schools of the minority.



And now as to *the treatment the decisions received indirectly by the action of those supporting and those resisting the Dominion Conservative Government.*

It may be recalled here that the Conservatives have been the Orange party and the Anglican party in Ontario, and also the old-fashioned Clerical party in Quebec ("les Bleus"). The Liberals have been more or less, as in England, the younger English-speaking men with ideas of change, and those less religious. They stand more or less as the Liberals stood a generation or so back in England, in the heyday of popular education, free trade, Philistinism, and general scientific progress and forgetfulness of original sin. In Quebec the Liberals ("les Rouges") have gathered into their ranks the "emancipated," the pleasure-seekers, the *anti-cléricaux*, much after the manner of France, together, indeed, with many nobler souls, and with those ready for perhaps generally wise educational reforms. The Conservatives have been for protection, the Liberals for free trade; the Conservatives for England, the Liberals for America. But these are only suggestions, and nowadays this new Liberal government is more Imperialist than the most Imperialist Conservative. The Liberals would call the Conservatives "the stupid party." The retort is, "the disloyal party," by the Conservatives who opened up the West by the Canadian Pacific Railway.

It seems that Canadian political corruption cannot be beaten anywhere, and that "base politicians" of all sorts will there, as elsewhere, talk high words, deceiving (God knows) perhaps even themselves, taking "upon us the mystery of things. As if we were God's spies."

And so good men and bad spoke and wrote in 1895 and 1896, after the times mentioned in this REVIEW by Mr. Ewart.

To the French Catholics in Quebec the Liberals came and said: "Behold those wicked Tory Orangists;" and thus these Liberals to the Ontario Orangemen: "You see those priest-ridden Tories in Quebec."

And Conservatives told the French that the Liberals were destroyers of Church and family and State, and Conservatives told the English that to destroy that disloyal French Church and State was indeed a great aim, to be perhaps silently pursued.

In the fight over the Remedial Bill the Conservatives said: "Obey the Constitution as expressed by the highest court"; the Liberals said: "We protest against coercing a province." It was hard for the French Catholics to look for sound champions among Orange Tories; and to have a French Canadian Premier seemed a

grand triumph. This would-be (and to-be) Premier, besides, said he would do better for Catholics with the help of the Manitoba government than the Conservatives would ever do by their trying to force an unwilling province. "I will not coerce anybody," shouted M. Laurier at Toronto; and there were wild cheers from the young Liberals.

From the first, when appealing for interference, the minority in Manitoba had, by their counsel, Mr. Ewart, argued judicially; the majority, by their counsel, Mr. Dalton McCarthy, politically—"The advocates of the Catholics," said the London "Speaker" (March 30, 1895), "it must be admitted, having the best of the law, and those of the provincial government basing their arguments chiefly on grounds of policy." "However," the bitterly anti-religious education "Speaker" added, cynically, "the Government have issued the order; 'let them enforce it if they can.'"

"No coercion," cried the Liberals. But the French might have answered, as to the abolitionist of capital punishment: "*Que messieurs les assassins commencent.*" Surely it is you Liberals who coerced the minority in Manitoba. Surely on the morrow of the Reformation, when, in Lecky's words, the creed of a thousand years was proscribed by the opinions of yesterday, it was not for the Reformers to cry "no coercion" when the Catholics claimed an open church or two in a city that was once their own.

Anyway, it is the law that there *is* jurisdiction of federal over provincial, that there *is* in this way protection for provincial minorities in religion and education.

Further, the first appeal of this sort was by the Quebec Protestant minority. The Federal Government advised the Quebec Catholic Government to give redress, and redress was accordingly given.

In January, 1897, there was another such instance, which at least may serve as an illustration. School-district boundaries being rearranged, had left a number of Protestants without a school of their own, and bound to pay to the public (Catholic) school. Said the Halifax (Protestant) "Evening Mail":

"The promptness and completeness with which the grievances of the Protestant rate-payers of St. Gregoire le Thaumaturge have been remedied by the Government of the Roman Catholic Province of Quebec should incite the Protestants of Canada to exhibit an equally commendable spirit in respect to the grievance of the Roman Catholic citizens of Manitoba. Squirming and wriggling and trying to find excuses for not respecting the conscientious objections of others, and for not keeping faith with those of a different creed, do not look well when compared with the recent action of the Quebec Government."

Oh, but, we hear on one side, amid all the voices crying round

about, the Quebec and the Manitoba cases are not alike. True; but not for the reason you think or echo. They *are* alike in this: that Manitoba's *practice* is covered by the Acts, as well as Quebec's *law*. Only to Quebec's law is added: you need not pay other schools, and this is not added to Manitoba's practice. There is the real difference. Quebec law could not, by the Privy Council's letter-of-the-law decisions, save the Protestant minority from paying for Catholic schools also, if there were no clause exempting them; and if, we may add, the Catholic majority had ceased to have a go-to-confession conscience as to duty to their neighbors.

From Protestant Liberal Manitoba, however, was heard, in the words of the already-quoted Mr. Fisher of Winnipeg:

"The Federal authorities must not coerce Manitoba, we are told. . . . In Manitoba it is coercion—is it?—for the Federal authorities to entertain an appeal specially provided by the Constitution for the protection of a certain number of her Majesty's subjects. But . . . in Quebec, under a like measure, it is otherwise." (January, 1896.)

"I look at it," said the Protestant Conservative, Sir Leonard Tilley, in the same year, "as a solemn compact between the Parliament of Canada and the people of Manitoba. . . . It seems to me that sympathy ought to go out to the aggrieved in Manitoba, rather than to the aggressor. . . . If it were Quebec Province that had repealed the provisions allowing Protestants their separate schools, we should all have protested, and have demanded protection, as we should have been justified in doing."

So far so good. We are on high ground, even if the adversary cannot follow. But Mr. Fisher comes down to where he is, later on, honorably worsted.

"Not only is there a right of appeal," he says, "but the facts show that the minority have been aggrieved by the law of 1890 in that *they have been deprived of valuable privileges* that they enjoyed by law for nearly twenty years—privileges in the enjoyment of which the Constitution was intended to protect them."

Now, the Privy Council—again this has to be repeated to the good Protestant's unwilling ears—distinctly says that by its letter-of-the-law reading, *the minority have not been deprived of privileges*, though such privileges have been "affected."

They had privileges. True. They have (practically) lost them. But yet—they have not lost them. It sounds like a legal joke. But it is no joke for Catholics in Manitoba.

The same answer must be made to the words of the Conservative Catholic, M. Ouimet, that the Privy Council

"Déclara que de fait les Catholiques (a) avaient acquis par la législation en force jusqu'à 1890, des droits, qui ne pouvaient leur être enlevés sans leur assentiment, et que (b) c'était le devoir du gouverneur général en conseil (i.e., the Federal Parliament) d'intervenir pour (c) leur faire rendre leurs écoles séparées telle qu'elles existaient avant la loi de 1890."

The answer is that the Privy Council said neither (a), nor (b), nor (c).

If the provincial minority had been *de jure* deprived of privileges, as well as *de facto*, then the Privy Council's first decision could not stand, even in its own eyes.

As to the *duty* of intervening, Mr. Fisher speaks more correctly than M. Ouimet :

"The opinion is 'advisory,' to assist the Federal Government in coming to an opinion. . . . But"—and he is on high, safe ground again—"it is one thing to say that Parliament is not 'bound' by the opinions of the Court; it is quite a different thing to say that there is no moral obligation to give relief in a case in which the Court has found there is a grievance, and that the Constitutional Act is a 'Parliamentary compact' by which the Crown was pledged to protect the minority against such a grievance."

In the old days, indeed, when it was the Quebec Protestant minority who were appealing to the Federal Government, the violent anti-Catholic and anti-Manitoba minority orator, Mr. Dalton McCarthy, said that

"The *duty* and power—because where there is power there is a corresponding duty—are cast upon the Federal Government to revise and review the acts of the provincial legislative bodies."

Well may the observant dramatist lay down :

"Les opinions se discutent : les sentiments  
Ne se discutent pas."

For, much of all this is, at bottom (as, both *à priori* and *à posteriori*, our readers have fairly judged), a matter of religious or anti-religious sentiment. It is often kept in the background; we have now kept it there. But all must act as if "things are what they are," knowing that "their consequences will be what they will be." "It is always useful to know the true temper of the times and country in which you live."

On the other side from those quoted, who have been making too much out of the Privy Council judgments as aids to justice, Mr. Greenway, the Manitoba premier, evidently is making too little when he says (a) they do not declare any grievance, but simply (b) note the *facts* of the taking away of the separate schools or the rights. By those manifestly erroneous words he denies (a) what the Privy Council does say, and states (b) what they do not say.

But it does not appear that Mr. Greenway and his colleague, Mr. Sifton, take the trouble even to pretend to be without real

sound anti-Catholicism. One need not doubt they have the real thing in their invincible hearts. There is plenty of it in Canada, as in the poor heart of a passenger down the St. Lawrence, who said that the sight of the village churches there made him sick. He longed to have at them and stamp them out. The present writer heard this man of charity from Toronto. It was a Sunday morning, and the wagons of the farmers stood outside the church doors, and the Sacrifice of Love was being offered within; the Catholics on board the ship assisting, no doubt; and, if true to their religion of charity, praying for those who hate and despitefully use them.

Mr. Sifton's speeches do *read*, at least, like the words of an Irish Tory under Lord Castlereagh. M. Paul Bert's career is no doubt one he would emulate in his own. To pass compliments back from France, Mr. Greenway's acts, as far as *sympathie* and *cœur* are concerned, seem to show, like his face, *la dure inintelligence* of a "half-baked" civilization. Fancy an Archbishop Taché or an Archbishop Fabre face to face with such a personage, who might take exquisite courtesy for an uncomfortable joke, and whose acts might prove the truth of Burke's words on chivalry being gone.

But things are as they are.

And yet not all Canadian Protestants speak as these ministers do. Ministers of another sort sometimes speak differently.

In the Toronto "Mail and Empire" for April 12, 1895, occurs:

"The Rev. Mr. Andrews, the oldest Methodist minister in active service in Manitoba, says that the restoration of separate schools, with a provision for the definite qualification of the teachers and the public inspection of the schools, should be satisfactory to all, but no injustice to Protestants, and would heal the breach which is rending the Dominion."

Yet a young Methodist minister from that province, a gentle but hard-working man, is heard this year saying that he thinks the minority have no grievance. And perhaps the old man stands alone—like Sydney Smith for Catholic Emancipation among the Tory Yorkshire parsons—for he has these words, too:

"As I see it so must I write. When a resolution was brought up in the Methodist Conference in 1890 expressing approval of the act, *I alone*" opposed it.

He said he had been five years in Quebec, and felt ashamed at the moral effects which our School Act would have in Quebec, [he little knows, poor old man. Fancy Archbishops Bruchesi and Bégin agitating to force Protestant pupils into their schools],



having seen the working of Protestant schools in that province. For if here in Manitoba, where the Catholics have had separate schools for eighteen years, we can take these away, just because we are in a majority, what about Quebec?

"We have always boasted of Protestant fair play, yet in this case the might downs (*sic*) the right. . . .

"The real contention [of the Catholics] is that we Protestants have taken what the highest court of this great Empire has decided was their right, according to the declaration of the Constitution, and they are seeking its restoration in a legal and regular manner. . . .

"That it would be better for all to be educated together seems highly desirable (*sic*); yet if the minority concerned think it otherwise, surely we have slender ground to set aside law and justice to accomplish our purpose.

"There is little weight in the argument that Mennonites, Germans and others [of our settlers] may also seek separate schools. No one seriously thinks these would ever be established. Besides, along these lines of action only the great division between Catholic and Protestant has ever been legally received, and no other is likely to be introduced; and the permanent healing of even this breach can only be done (*sic*) by kindness and fair treatment; and this I believe our Protestant people will be ready to accord when the excitement arising from heated declamation shall have subsided, and a calm and deliberate view of the situation is taken."

"The North West Baptist," too, wrote:

"Let Manitoba recognize this decision. There ought to be a readiness on the part of the Provincial Government to be a party to discovering (*sic*) when our legislation has wronged our Roman Catholic fellow-citizens; and upon discovering, willingly make every endeavor to do them justice."

And the Presbyterian Principal Grant, of Queen's University, Kingston, probably the most prominent Presbyterian minister in Canada, moved in the General Assembly, in 1895, the following resolution, acknowledging facts, and approaching them in a temper leaving little to be desired, and inspiring hope even yet:

"Whereas the Dominion of Canada is a confederation of provinces in which federal and provisional rights respectively are finally defined by her Majesty's Privy Council; and whereas the Privy Council decided that the National School system established in 1890 by the Province of Manitoba was within its constitutional power; and whereas the Privy Council has since decided that the Act of 1890, though constitutional, inflicted grievance on the Roman Catholic minority of the province, and that the said minority has the right under the constitution to appeal to his Excellency, the Governor-General-in-Council, for a remedy, and that the Parliament of Canada has the right, in the event of failure on the part of the province, to pass remedial legislation; and whereas it is admitted on the one hand that remedial legislation by Parliament would interfere with provincial autonomy in education, and lead to deplorable friction between the Dominion and Provincial Governments, and, on the other hand, that when the Supreme Court of the Empire has decided that a minority in any province is suffering a grievance that province should, in the interests of righteousness and the general welfare, give immediate attention to the matter and seek to remedy the grievance; therefore, Resolved: 1. That the General Assembly has seen with pleasure the earnest efforts that have recently been made by all the parties concerned to find a settlement of the ques-

tions involved which would give relief to the minority without imperilling either the principle of national schools or the principle that education should be based on religious sanctions, and inspired by Christian ideals. 2. That the General Assembly, learning that the Government of Manitoba claims that there was not available to the Governor-General-in-Council full and accurate information on the subject, and suggests a deliberate investigation, with the offer to assist in making such an investigation, and thus finding a substantial basis of fact upon which conclusions could be formed, and a reasonable and permanent settlement come to, earnestly presses upon the Dominion Government the duty of acceding to this request of the Government of Manitoba. 3. That the General Assembly, impressed with the conviction that national unity and well-being can rest securely only on a spirit of mutual confidence animating the various creeds and races who inhabit the land, trusts that on this and all questions affecting the feelings, and even the prejudices of any section of the people, no hasty action shall be taken, but that, on the contrary, the greatest care and deliberation shall be exercised, full and thorough investigation made, and full and fair compensation offered for any injustice that may have been done."

The Toronto "Mail," alluding to the Low Church Anglican Archbishop of Rupert's Land's words about this difficulty, notes that at least not a word was said by him in favor of the refusal of Manitoba [in his diocese] to act according to the decision of the Privy Council.

As to Manitoba politics, indeed, the "anti-remedial" government was returned last year again with an overwhelming majority; and for Manitoba the words of one indignant writer may be used:

" . . . Then, indeed, has Might usurped the throne of Right, and we in Canada no longer acknowledge that fundamental principle of British jurisprudence, 'Ubi jus ibi remedium.' "

#### V. *The Federal Election of 1896, and The Laurier "Settlement."*

Here was heard the cry from the Liberals-in-opposition, "no coercion," "no interference with provincial legislatures, even if according to the constitution." The cry comforted Catholic Liberals, and disheartened or won over Protestant Conservatives.

Writers like the one last quoted had written as Liberals, protesting that there was a duty of interference:

"This right of the Manitoba minority to Separate Schools was clearly stipulated for, and solemnly accorded as one of the terms of the arrangement under which that province entered Confederation; and the preservation of that right was certainly intended to be guaranteed by the provisions of the Manitoba Act. . . . And are we now to be told that the provisions of this solemn compact are futile; that a wronged minority must look in vain for redress; that the Dominion authorities are powerless to restore to it rights thus acquired and thus guaranteed?"

The Conservative Protestant (such as the son of Sir John Mac-

donald) could say—for party purposes, in momentary generosity, or from sound principle—that he would have expected the Catholics to obey a decision adverse to them, and he is prepared to do the same now that it has gone against him.

Even an Orangeman—Mr. Sawers, of Peterborough, Ontario, could say to his brethren :

“ Remedial legislation was entirely and aggressively opposed by me until the recent decision of the Privy Council. But . . . it seems clear to my mind that under the constitution the Roman Catholic minority of Manitoba has a grievance.”

And perhaps even more admirable (in both senses) was the confession of the hopelessly anti-Catholic Montreal “ Daily Witness,” thus turning the tables of no coercion :

“ Bound to protect the liberties of the most erroneous faith as much as we protect the liberties of our own . . . we are strongly convinced that Protestants not living as strangers and foreigners in a land, but in a country which they call their own, would strongly resent any dictation from a majority holding different views as to how their children should be educated ; and feeling this in our bones, we, as honest Christians governed by the golden rule, cannot but sympathize with others who do so.”

But all was of no avail—principle, generosity, or craft. The party bringing in a remedial bill by the Federal Parliament, now that the Provincial Legislature had refused to bring one in, was beaten, and beaten by the vote of Catholic Quebec.

But our French champion, M. Laurier, would settle everything ; he will arrange with the Manitoba Government ; they are Liberals together ; that promise stood out because the Federal Government was on the other side ; and so on.

Yet Mr. Greenway, if once false to Archbishop Taché, that he might get into power, was now, with his new provincial majority, falsely true enough. His letter during the Dominion campaign might have sounded a warning :

“ It has been reported that the Manitoba Government would settle the school question if M. Laurier came into power. The Local Government, so long as I have any connection with it, would never make any settlement of the school question which would involve the restoration of separate schools.”

It must be noted that at this election of 1896 many Protestant Conservatives were elected pledged against remedial legislation, and many Catholic Liberals pledged for it. This is important to bear in mind when considering all men and things now, and in the stirring time that may be.

M. Laurier's arrangement or settlement was published in November, 1896. The minority in Manitoba were not consulted.

By this arrangement, of course, there were no separate schools ; but if (1) a majority of the Board of Trustees authorized it, or if (2) a petition came signed by parents or guardians of at least ten children in a rural district, or at least twenty-five in a city, town, or village, then religious instruction might be given out of the time for secular school-work ; for within this line there shall be no separation by religious denominations. If the average attendance of Catholic children in villages and rural districts reaches twenty-five, and in towns and cities forty, they may claim a Catholic teacher.

The Archbishop (Langevin) of St. Boniface protested in his cathedral against calling this a "settlement," in a country where Catholic schools had been given, guaranteed, taken away.

And taken away we may surely agree they were, as Mr. Goldwin Smith recognizes when judging the Privy Council judgment by common sense. For "you *do* compel a struggling settler in a new country to send his son to your school when you take from him, by the school tax, the means of sending his child to a school of his own."

The Archbishop said :

"No Catholic can approve of these schools unless he wishes to separate himself from the Church. . . .

"We wish (1) control of our schools ; (2) Catholic school-districts everywhere ; (3) Catholic histories and reading-books ; (4) Catholic inspectors ; (5) competent Catholic teachers instructed by us ; (6) our taxes, and exemption from taxes for other schools.

"The Remedial Bill gave us all that in principle. . . . But what has been given us in its place? Not one of our sacred rights, not a single one."

"The Western Churchman," described as the organ of the Anglican Church in Manitoba, said :

"Some people, who know no better, speak as if the Roman Catholic minority had got more than they had any reason to expect. The whole thing, as his grace of St. Boniface put it, is a miserable farce. . . . We do not blame his grace if he does publicly announce that the strife is just commencing. No earnest Roman Catholic could accept such a settlement at all. It is not permission to teach their children the truths of their faith for half an hour or even an hour a day that will satisfy the Roman Catholic minority. They want, and rightly so, to surround their children all day long, and every day, with an atmosphere of religion. They want not merely to impress upon their young people's minds certain important dogmas, but to so fill them with a sense of the close relationship that ought to exist between these dogmas and the conduct of their everyday lives, that they will grow up Christian men and women."

Mr. Goldwin Smith, from Toronto, wrote in the local "Sun" (December 1, 1896) in words showing that he understands the Christian ideal in education, though he is out of sympathy with it. His words illustrate what the most cultivated English Liberal

can say, and suggest that in Canada he has a fit audience, if few. Of course, Mr. Goldwin Smith writes, himself, as a disbeliever in Christianity :

"At last the curtain has risen, and disclosed the terms of the Manitoba settlement. They have evidently been framed with great care, and a sincere desire to do justice. They will, probably, satisfy the bulk of Protestants, who wish the question out of the way, and the less-exacting Catholics. The thoroughly devout Catholic no mere safeguards, or hours reserved for doctrinal teaching, will entirely satisfy. He wants the Catholic atmosphere, the Catholic surroundings. He wants the child's whole character moulded upon the Catholic model. Nor is it very easy to see how you are justified in compelling him to send his child to your school, as you must do when you take from him, by the school-tax, the means of sending his child to a school of his own. Our public-school system, overriding paternal right and conscience, rests on considerations of public policy superior to natural justice."

Which, of course, is pretty good Paganism, or Platonism, but hardly good Protestantism for those Protestants who believe in Christianity and its law of life.

The Catholic press in the United States condemned the "settlement," the "Sacred Heart Review," of Boston, adding :

"Nor . . . is it a victory for the Protestant majority. They have defied the Constitution of Manitoba and repudiated their promises before the world."

Adding further what, as was said, must not be forgotten now and in the near future :

"Yet it was the Catholic voters of Canada who permitted this thing, and a Catholic Premier who consummated it."

This coming election, the London "Tablet" had written, will be decisive for at least a decade, and it "fears Mr. Blake's opinion must be accepted as final," that M. Laurier's "settlement" is "infinitely more advantageous to the Roman Catholic minority than any Remedial Bill which it is in the power of the Parliament to force upon the Premier of Manitoba."

Mr. Blake was the counsel for the minority. He is the eminent lawyer, once leader of the Canadian Liberals, now an Irish Home Rule member.

The "Casket," of Antigonish, Nova Scotia, that small but interesting paper, with principles, thoughts and ideas, severely criticises the "Tablet" and Mr. Blake (March 4, 1897). It quotes against him Mr. David Mills, "perhaps the ablest man in the Liberal ranks," who says that the claim to a remedial law, as guaranteed by the British North American Act, implies that those making the claim have a right, and that they are invoking the party to whom the law has given the power of redress.



The "Casket" considers as "almost unspeakably absurd" the "Tablet's" remark that "practically it comes to this: that the judgment [of the Privy Council] does nothing but establish a moral claim on the part of the Catholics of Manitoba to the favorable consideration of the Government of the Province."

And that, as was said above, is the conclusion to which the writer of this article came, independently. So he respectfully says to the "Casket," though thus he seems like the humble dancing-master, who said: "Il n'y a en Europe que trois grands hommes—le roi de Prusse, Voltaire et moi."

*How have Catholics received this Laurier-Greenway "settlement"; and what do they look forward to?*

All Catholics would be uncompromising, surely; and they ought to be so. That is what the world says, when it is not in conflict with the Church's children, nor desiring to get anything of its desires from them or through them. Indeed it has a cynical or amused contempt for what in the American sense is a Liberal Catholic, a sort of Joseph-ite German Catholic of the generations before Windhorst, a political Gallican Catholic without old Gallican religious severity, almost a would-be Elizabethan Anglican. "Render unto Cæsar" and "render unto God" is for them a text whose directions never conflict. Thoughtless, or ignorant, or wilful, or corrupt, they are instinctively sure of one thing, that "On fait avec le ciel des accommodements."

And then the power of party. There are older priests from Ireland, such good haters of Tories that Sir Wilfred Laurier is still well trusted by them. There are many religious Catholic lawyers whose worldly course of rational public life is to be run with the Liberal party. There are thousands brought up under systems of school and college compromises tolerated by the Church; and a sort of public Sunday and private week-day Catholicism seems to them very nice; and indeed who knows how excellent these men often are, notwithstanding this semi-penal-law-hunted Christianity, shy at least and timid, fitting nicely into the modern world's conspiracy of silence about the Church.

All this seems silly enough to those who think, whatever be their religious belief, or lack thereof. The real life of the Church does not theorize continually about it, but simply lives on as if this compromising of some of its members were an ill-fitting garment that somehow was clinging to it, or some malady on the surface, causing indeed, discomfort, and even pain. The only wonder, to those who think, is that the Church is not in practice even more severe than she is, about religious education; nothing, indeed, can

be more severe about it than are her mind and heart. She is not less logical and rational in the eyes of the Revolution-Masonic spirit—deistic or atheistic, as the accidents of country just now may determine—than she is in her own, that is in the eyes of her Lord.

In 1895 one good Catholic and good Liberal almost echoed the words of the Ontario Protestant Liberal Minister of Education, who advised Catholics to refrain from using even their constitutional right of Federal Government power over provincial. Beware of blind Protestant bigotry, the Minister implies :

“If pressed in the present tone and temper of the country, interference will produce an irritated condition of the public mind which will not subside for many years.”

And here is the Catholic echo :

“As the Catholics have now the constitutional victory, it would redound to their credit, and at the same time evoke a generous feeling likely to end in a fair compromise, were the Manitoba Catholics to make a public declaration of their general opposition to any interference by the Central Government with provincial laws. . . . To my mind there is an immense field of usefulness open to a few cool-headed politic Catholics of Manitoba at this juncture; but I fear they may be disposed to stand firmly by their well-won laurels to the end. Still nothing crowns victory like generosity, and perhaps the clergy may favor and guide such a step.”

Children of this world, and children of light, one may well exclaim, when one reflects on the contrast between victors on one side and on the other.

And now here is a Catholic lawyer-politician of last month (December 8, 1897):

“I have not changed my views on the Manitoba School question; if anything they are stronger now than ever. Of course if Rome speaks we must obey; but, I have too much confidence in the far-seeing and progressive policy of the illustrious Leo XIII. to think for one moment that he will condemn the Laurier settlement *in toto* or command us to desert our respective political parties. I have no doubt that he will affirm what is and always has been the Catholic teaching on the subject of education, but at the same time will counsel prudence and moderation for the attainment of the end we all so earnestly seek.”

The writer continued :

We are “between the duplicity of the Conservatives and the failure of Laurier's settlement to meet the views of the more sanguine Liberals; between a ‘remedial bill’ unworkable and ineffective, and a ‘settlement’ that gives something but not enough; between a warlike attitude that can breed nothing but contention, animosity and strife and a ‘sunny way of peace.’

“The matter, it appears to me, resolves itself into three questions : 1. Did the Privy Council decide that the minority had a grievance? 2. Can the Federal Parliament pass such a measure of remedial legislation as will be a substantial remedy? 3. If they cannot, what is best to do in the circumstances?”

As to (1), *he thinks the Privy Council gave no decision that there was a grievance.* The letter added: "That a great grievance exists, you and I admit."

And it must be further added here (as already stated), that even if the Privy Council gave no "decision" that there is a grievance, yet they "admit" its existence, at least by implication.

As to (2), *it is a question of financial aid.* And this writer said:

"It is admitted on all sides that no remedial legislation can compel Manitoba to contribute to the maintenance of separate schools; but it is claimed that the Federal Parliament can relieve the minority from taxation in support of the Common Schools. Is this so? Notwithstanding that Mr. Dickey, then Minister of Justice, in his speech on the bill when it was before the House, expressed very grave doubts, his camp followers were and are far more confident about it. They argue that as the power is given to do a certain thing, so all things incidental thereto follow. This is the argument of the layman rather than the lawyer. Any lawyer of ordinary reading knows that legislatures frequently pass laws which become dead letters on the statute-book because no machinery has been supplied for the carrying out of them. We have now, however, the opinion of Mr. Blake, counsel for the minority, that such is not within the purview of the Dominion Parliament. It is not denied that Parliament might make an allowance; but what would the tax-payers of Canada say? With all due respect to his Grace the Archbishop of St. Boniface, I think that he expressed the severest condemnation of the Conservative remedial bill when he said that he admitted that it did not amount to much, but that it legislated the principle, and the rest would be secured afterwards. In other words, a perpetual religious war in Canada, with its inevitable result in a country where the majority is antagonistic."

And as to (3):

"Now, if I be correct in saying that Parliament cannot legislate a substantial remedy, what is best to do in the circumstances? (a) Surely accept all that you can get, and in the local legislature by persistent endeavor strive for much more. This is evidently what Sir Wilfred had in view. (b) And of his settlement let this much be said: it is better than the one the Conservatives tried to bring about; and (c) it is far, far better than the one in New Brunswick."

Lettering those words, we conclude that (a) is what the Archbishop proposed; for you cannot quietly assume that this settlement is accepted so far by all, either within parliaments or without; it is not, any more than the Conservative remedial bill settlement was.

As to (b), the people most concerned deny this.

As to (c), even once again let it be repeated, the New Brunswick allusion is irrelevant—just as much so as to say to a man robbed of \$1000, "I give you back \$200; you are far, far better off than the man who holds \$10 on sufferance." In New Brunswick, before confederation, they never had separate schools by law, as they had in Ontario and Quebec; and they had no act with the expressly inserted saving words *by practice*, as they have in Manitoba.

Another prominent and influential Catholic Liberal wrote (December 11th):

"As to the school question, I may in a few words sum up the whole case. The Liberals should, I think, have insisted upon getting for our people a system similar to that prevailing in Ontario. . . . I cannot express the extent of my contempt of the Tories for the manner in which they acted from start to finish. It was a policy of delay, hypocrisy and political chicanery. If Tupper had got into power we would be further than ever from a settlement, as some other scheme of postponement would be devised. He has no love for us—no sympathy for our cause in his heart. He went to the country with a cry in our favor, thinking he could capture Quebec and wheel into line the Orange hosts of Ontario. Once in power the juggling would, as I said, begin over again."

A priest of Liberal traditions wrote, on December 12th:

"Personally, I fully believe that party advantage alone prevented Laurier from accepting Tupper's Remedial Bill; that he has made the school question a stalking-horse under cover of which to get into power; and that, now he is Premier, he will accept anything that will stamp out the agitation.

"The Manitoba Catholics are still suffering injustice, and the question will never be definitely settled until that injustice is *fully* repaired."

#### VI. *The Mission of Mgr. Merry del Val.*

It is said that Pope Pius the Ninth wanted to know: "What is the matter with you in Canada? You give me more anxiety than any other country." About Popes, no doubt, foolish stories are told. This story, however, need not be set down as such, seeing that, if not the truth of history, it has in it, at least, the poetic truth of much care in all the churches being upon the Pope.

The present Holy Father sent Mgr. del Val to investigate the Manitoba school question. This prelate was well received publicly, except, perhaps, by the vulgar Puritan press. Speaking fluently English and French, as well as the Spanish of his father's family, and having been brought up in England when his father was a representative of Spain, the Pope's ambassador had power over the material at hand, and won confidence in his good-will, prudence and sympathy. His mission certainly calmed the public mind. Upon the results of this mission and investigation the decision and counsel of the Holy Father has been given.

On hearing a report of a hostile decision, the Manitoba Attorney-General said, in December last: "It seems remarkable, but the antagonism of the minority to the public-schools system has apparently rather increased than diminished since the settlement."

The antagonism is "remarkable," if not in the speaker's sense. The school question is dead only as long as the minority does not stir. That is the net result. What is it O'Connell said? Some-

thing like: "As long as the timid will cower, the cruel will kick." Or was it Sydney Smith? Let them be named together as examples of great courage and unwearied endeavor—Catholic champion and Protestant defender. And let us, thinking of how the old English Protestant tradition has got battered since their day, rather laugh in hope than sigh in despair. The Church is in upon the breakers; but the fact is the sea is always rough, and Popes talk and act as Apostles of old. It is an awful world, because evil exists. There is nothing else awful about the state of the Church now.

Heaven helps those that help themselves; "*aide-toi, et le ciel t'aidera*"; it is bilingual, and suitable to Canada.

The Greenway government (Liberal) organ says, indeed: "No political party in Manitoba will undertake the responsibility of re-establishing separate schools" (November 17th). And Mr. Hugh Macdonald, speaking in Manitoba (as a Conservative), says: "Neither party would ever again take the school question up as an issue." Perhaps not; but these be brave, comfortable words, when Laurier is friend and patron of Greenway, and when French Catholic Quebec is Laurier's support. That the Conservatives, whether as honest politicians or as schemers, should wash their hands of French Catholics in Canada is not surprising just now. But pique yields to new plans, and men will give you lawful payment for your bait. There are other party questions. There is the instinct for self-preservation. Even the weak Manitoban minority may count, when it has the strong Quebec majority with it in the ranks.

Besides, the Catholic Church *does* doubt, with all her heart and mind, that natural good works "have the nature of sin." The Catechism tells of "a strong inclination to evil," but not of nature totally depraved. Men of good-will are heard all around. Judge by some heard in this article. Judge of Canada by the United States. Here is a tribute to true humanity and Catholic schools heard lately from Senator Vest, who was once Indian Commissioner, and who has never lost a favorable opportunity of testifying to the fact that the Jesuit missions and schools were superior to all others; that, in fact:

"Out of eleven tribes that I saw—and I say this as a Protestant—where they had had Protestant missions, the Indians had not made a single, solitary advance towards civilization, not one. Yet, among the Flatheads, where there were two Indian missions [of the Jesuits], you find farms, you find civilization, you find Christianity, you find the relation of husband and wife and of father and child scrupulously observed. I say that an ounce of experience is worth a ton of theory at any time; and this I say, and I know it."



Is not the last report (1897) of secondary education in France striking testimony once again: Decrease in attendance at State schools, 675; increase in attendance at religious schools, 4327. And this notwithstanding aid to State schools amounting to sums almost past belief. *La vérité vraie*, as is said there, is, to say the least, not being less and less heard now. The Ruskin of a generation ago, now, comparatively, *prêche des convertis*:

"Education does not mean teaching people to know what they do not know. It means teaching them to behave as they do not behave. It is not teaching the youth the shapes of letters and the tricks of numbers, and then leaving them to turn their arithmetic to roguery, and their literature to lust. . . . It is a painful, continual and difficult work, to be done by kindness, by watching, by warning, by precept, and by praise, but, above all, by example."

"He that is not against Me is on My side." And if the poet of rebellion half grieves:

"Though Justice against Fate complain,  
And plead the ancient Rights in vain,"

he goes on to imply that there is no need that thus "in vain" the pleading should be; for those "Rights"

"do hold or break  
*As men are strong or weak.*"

W. F. P. STOCKLEY.

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